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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/352,335	07/13/1999	HIROMI MORI	103815	2119

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EXAMINER	
TRAN, DOUGLAS Q	

ART UNIT	PAPER NUMBER
2624	9

DATE MAILED: 07/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/352,335	MORI, HIROMI	
	Examiner	Art Unit	
	Douglas Q. Tran	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-23 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on 19 April 2002 is: a)☒ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☒ Interview Summary (PTO-413) Paper No(s). 9 .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on 4/19/02. These drawings are fig. 2, 4, 6B, 8, 9, 10, 11.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dobbs (US Patent No. 6,039,426) and Ohtsuka et al. (US Patent No. 6,278,528).

As to claims 1 and 19, Dobbs teaches:

Displaying at least part of set data for the printer (12 in fig. 1) on a display (note: the purpose of printer driver (16 in fig. 1) is that provides the menu including setting data or print mode to a user through the graphical user interface);

Then, originating at least one of print data necessary for printing by the printer and control data necessary for controlling the printer (printer driver 16 outputting data and control data to printer 12 in fig. 1), the control data being originated on the basis of set data (i.e., print mode criteria) previously stored in a storage region (col. 3, lines 4-7 and 13-15) ; and

Outputting at least one of the originated print data and the set data to the printer (printer driver 16 outputting data and control data to printer 12 in fig. 1).

However, Dobbs does not explicitly teaches the displaying a window on which a user confirms or changes a set data for the printer on a display based on a setting which is settable by the user for displaying the window.

Ohtsuka, in the same field of display the setting data by the printer driver, teaches the displaying a window on which a user confirms or changes a set data for the printer on a display based on a setting which is settable by the user for displaying the window (fig. 4-6; and steps of 121 to 122 or 126 to 127 in fig. 9).

It would have been obvious to have modified the system of Dobbs for the print mode condition criteria including discharge conditions as taught by Ohtsuka. The suggestion for modifying the control means of Dobbs can be reasoned by one of ordinary skill in the art as set forth by Ohtsuka because Ohtsuka teaches the application software is associated with printer driver allowing the user to select desired printing conditions before outputting in the printer.

As to claim 2, Dobbs teaches the displaying step is executed in accordance with a print setting program, an instruction for starting the program being stored in the set data (col. 29, lines 29-45).

As to claims 3, Ohtsuka teaches the print mode condition criteria including discharge conditions which is updated to window based on the confirmed or changed set data displayed on the display (steps of 121 to 122 or 126 to 127 in fig. 9).

As to claims 4-7, Ohtsuka teaches the printer has a plurality of discharge positions and can discharge a printed paper to a discharge position specified previously; the set data includes the discharge positions; the specified discharge position is displayed on the display; the originated control data includes the data which represent the discharge positions; and the control

data is outputted to the printer prior to the print data; the displaying step involves changing the discharge position into another discharge position and updating the changed discharge position; the displaying step involves displaying the plurality of discharge positions of the printer; the displaying including confirming whether the discharge position has been updated after the specified discharge position is displayed on the display (fig. 4-6; and steps of 121 through 128 in fig. 9).

As to claim 8, Dobbs teaches the storage region includes a plurality of regions (20 in fig. 1).

As to claim 9, Dobbs teaches:

displaying at least part of set data for the printer (12 in fig. 1) on a display (note: the purpose of printer driver (16 in fig. 1) is that provides the menu including setting data or print mode to a user through the graphical user interface);

then, outputting to the printer, print data for printing by the printer and control data for controlling the printer (printer driver 16 outputting data and control data to printer 12 in fig. 1), the control data being originated on the basis of set data (i.e., print mode criteria) previously stored in a storage region (col. 3, lines 4-7 and 13-15).

The motivation of this claim is applied to the same of claim 1.

As to claims 10 and 13, Dobbs teaches

A memory (20 in fig. 1);

Print data origination means (i.e., print driver module 16 in fig. 1) for originating print data necessary for printing by the printer (12 in fig. 1);

Control data origination means (i.e., print driver module 16 in fig. 1) for originating, on the basis of set data (i.e., print mode criteria) stored previously in the memory (col. 3, lines 4-7 and 13-15), control data (see control data from fig. 1) necessary for controlling the printer (col. 2, lines 29-31);

Output means (printer driver 16) for outputting at least one of the originated print data and the set data to the printer (12 in fig. 1);

control means for controlling the display so as to display at least part of the set data on the display.

However, Dobbs does not teaches displaying by control means at least part of the set data on the display displaying at least part of the set data on the display before the print data or the control data is originated

Ohtsuka teaches displaying at least part of the set data on the display before the print data or the control data is originated and the displaying a window on which a user confirms or changes a set data for the printer on a display based on a setting which is settable by the user for displaying the window (fig. 4-6; and steps of 121 to 122 or 126 to 127 in fig. 9).

It would have been obvious to have modified the system of Dobbs for displaying at least part of the set data on the display before the print data or the control data is originated as taught by Ohtsuka. The suggestion for modifying the control means of Dobbs can be reasoned by one of ordinary skill in the art as set forth by Ohtsuka because Ohtsuka teaches the application software is associated with printer driver allowing the user to select desired printing conditions before outputting in the printer.

As to claim 11, Dobbs the memory includes a plurality of storage regions (20 in fig. 1).

As to claim 12, Ohtsuka teaches the printer includes a plurality of dischargers, the control data being data for designating at least one of the dischargers(see print size in fig. 6, col. 7, lines 7-12).

As to claim 14, Ohtsuka teaches updating means for updating the designated discharger on the display (col. 7, lines 65 through col. 8, line 3).

As to claim 15, Ohtsuka teaches the updating means rewrites, when the designated discharger is changed into another discharger, the discharger designation stored in the memory (col. 8, lines 4-7).

As to claim 16, Ohtsuka teaches the plurality of dischargers are shown on the display (see print size in fig. 6, col. 7, lines 7-12).

As to claims 17 and 18, due to the similarities of these claims to those of claims 10 and 12, these claims are rejected as the reasons applied to claims 10 and 12.

As to claims 20-23, due to the similarities of these claims to those of claims 10, 13 and 14, these claims are rejected as the reasons applied to claims 10, 13 and 14.

Response to Arguments and Amendment

4. Applicant's arguments filed 4/19/02 have been fully considered but they are not persuasive.

Applicant asserted in page 6 " None of the cited references disclose or suggest that i) the user can set to display a window as in fig. 5 on which the user confirms or changes a set data for the printer (using the box 22 shown in fig. 3), and ii) once the user has set to display the window (the box was checked to ON), the window is displayed before the originated print data and the

set data are sent to the printer. " In reply, this limitation is to be not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Ohtsuka, in the same field of display the setting data by the printer driver, teaches the displaying a window on which a user confirms or changes a set data for the printer on a display based on a setting which is settable by the user for displaying the window (fig. 4-6; and steps of 121 to 122 or 126 to 127 in fig. 9).

For the above reasons, it is believed that the cited prior art fully discloses the claimed invention and the rejection stand.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran
June. 29, 2002